

Applicant: Matthias G. von Herrath
Application No.: 09/336,672
Filed: June 17, 1999
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REMARKS

Applicants acknowledge withdrawal of the Notice of Abandonment mailed on April 21, 2003 and entry of the amendments in the Response to the Final rejection filed on May 30, 2003.

Accordingly, Claims 40, 41, 45, 46, 54, 55, 58-61, and 69-79, 82, and 83 were pending prior to this Response. By the present communication, no claims have been added or cancelled and claims 40, 45, 54, 58, 69, 71, 73, 75, 78, and 83 have been amended for grammatical correctness. The claim amendments add no new matter, being fully supported by the Specification and original claims. Accordingly, upon entry of the amendments claims 40, 41, 45, 46, 54, 55, 58-61, and 69-79, 82, and 83 would be pending.

Sequence Rules Compliance

The Office Action indicates that the application fails to comply with the requirements of 37 C.F.R. 1.821 through 1.825 due to alleged failure to file a sequence listing in the application for the amino acid sequences present on page 40 of the specification and in Fig. 3. To comply with the requirements of 37 C.F.R. 1.821 through 1.825, Applicants have this date submitted a Statement Under 37 C.F.R. §§ 1.821(f), (g), a Verified Statement under 37 C.F.R. § 1.821(f), a Sequence Listing, and a Sequence Listing in computer readable form, along with a copy of the Notice to Comply issued by the Examiner. These documents are enclosed herewith. Accordingly, Applicants submit that this application is in compliance with all rules pertaining to sequences.

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The Objection to the Claims

The Office Action indicates that claims 40, 54, 69, 73, 78 and claims dependent thereon are objected to containing informalities, specifically that the word “construct” in the phrase “. . . one or more nucleic acid construct . . .” should allegedly be plural, not singular. To overcome the objection to the claims, Applicants have amended claims 40, 45, 54, 58, 69, 71, 73, 75, 78, and 83 to substitute “constructs” for “constructs” and further to correct agreement between noun and verb as required by the substitution. Accordingly, Applicants submit that the grounds for the objection to the claim are overcome and reconsideration and withdrawal of the objection to the claims are respectfully requested.

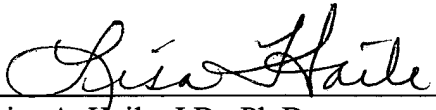
In view of the compliance with the sequence rules and the above amendments and remarks, Applicants submit that the pending claims are in condition for allowance, and passage of the application to allowance is respectfully requested.

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If the Examiner would like to discuss any of the issues raised in the Office Action, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

Date: February 3, 2004



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Enclosures: Sequence Listing
Statement Under 37 C.F.R. §§ 1.821(f) and (g)
Verified Statement under 37 C.F.R. § 1.821(f)
Sequence Listing in computer readable form
Notice to Comply